IN THE HON'BLE HIGH COURT OF JUDICATURE
\\\ **OF BOMBAY AT PORVORIM, GOA**

Miscellaneous Civil Application No. /2024

in Writ Petition No. 3140/ 2024 [F]

Babaji Babal Gaonkar ….Applicant/Intervenor

In

M/s. Vedanta Ltd. ….Petitioners

V/s

State of Goa & 5 Ors. …Respondents

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Place: PORVORIM, GOA
Date: 16.12.2024

Advocate for the Applicant

IN THE HON'BLE HIGH COURT OF JUDICATURE OF BOMBAY AT PORVORIM, GOA

Miscellaneous Civil Application No. /2024

in

Writ Petition No. 3140/ 2024 [F]

BABAJI BABAL GAONKAR,

Age 47 years, unemployed,

resident of H. No. 62, Near Shanta Durga Temple,

Gaonkarwada , Piligao, Bicholim Goa – 40350,

Mobile No. - 9588690678

Email id: bgaonkar59@gmail.com

….**APPLICANT/INTERVENOR**

In

1) **M/S. VEDANTA LIMITED,**

A Company registered under provisions of

the Companies Act, 1956,

Through its authorised signatory,

having registered office at 20 EDC

Complex, Patto, Panaji – Goa, 403001. ……**PETITIONER**

V/s

1) **THE STATE OF GOA,**

through its Chief Secretary, having office

at Secretariat, Porvorim, Goa - 403521.

2) **THE DIRECTORATE OF MINES & GEOLOGY,**

thr. its Director, Ground floor, Institute Menezes

Braganza Bldg., Panaji, Goa - 403001.

3) **THE DY. COLLECTOR AND SDO,**

Bicholim, Goa.

4) **THE POLICE INSPECTOR,**

Bicholim Police Station, Bicholim, Goa – 403504.

5) **THE DEPUTY SUPERINTENDENT OF POLICE,**

Second Floor, Police Station, Pundalik Nagar,

Alto Porvorim, Porvorim, Penha de Franc, Goa - 403521.

6) **THE SUPERINTENDENT OF POLICE (NORTH),**

Second Floor, Police Station, Pundalik Nagar,

Alto Porvorim, Porvorim, Penha de Franc, Goa - 403521.

….**RESPONDENTS**

(Above addresses are registered addresses of parties)

APPLICATION FOR INTERVENTION IN WRIT PETITION NO. 3140/ 2024 [F]

MAY IT PLEASE YOUR LORDSHIPS

1. This application is filed by the applicant, a resident of Pilgao village, on behalf of the villagers of Pilgao village. The applicant seeks impleadment as Intervenor or Respondent in the above writ petition which has been filed by the petitioner for obtaining some orders from this Hon'ble High Court for the purpose of carrying out transport of mineral ore from Mining block no. 1 (*operated by the petitioner herein*) to Sarmanas jetty.

2. The Pilgao villagers are deeply concerned with the issue of transportation of mineral ore from the mines located in Shirgao to Sarmanas jetty as the route passes through their village and they are immediately affected in terms of dust and noise pollution as well as safety issues by the ore transportation.

3. The issue of transportation of ore from the mines through the adjoining villages has already been dealt with by this Hon'ble Court in P.I.L. W.P No. 6/2024, and the judgement therein dt. 29.06.2024. The petitioner herein (*M/s Vedanta*) had sought to intervene in the said petition and its submissions were also considered by this Hon'ble Court. In its affidavit dated 17.06.2024, the Vedanta company had informed this Hon'ble Court that it had been granted an EC which included the route for transportation of ore from the mine head to Sarmanas jetty. The company assured this Court that it would strictly abide by the

same and that all the conditions pertaining to the transport, including the necessary safeguards, will be strictly adhered to. An extract of the judgement dt. 29.07.2024 in P.I.L. W.P No. 6/2024 is enclosed and marked as **Annexure 1.**

4. However since the past few days, the petitioner Company has begun transporting the ore through a different route which is not sanctioned in the EC dt. 23.01.2024. The applicants are totally opposed to grant of any permits for transport of mineral ores on a route which is not sanctioned in the EC, as this would be a violation of the terms and conditions of the EC. The route which is now used is a public road and more than 250 houses of the people are alongside this road. 90% of the residents belong to the Schedule Tribe category. Applicant states that their source of water, air, vegetable cultivation, paddy fields, etc., are all going to get highly disturbed and/or destroyed due to the pollution which will be generated by the mining transport. This suitability of this route has not been examined by the Ministry of Environment in the grant of EC.

5. The applicant therefore submits that the ore extracted from the Mining Block No 1 may not be taken to Sarmanas jetty, except in accordance with the conditions laid down in the EC order issued to the petitioner, the Consent to Operate Order issued by the Goa State Pollution Control Board, and the consequent orders issued by the Director of Mines & Geology if in accordance with the EC and the orders of this Hon'ble Court in the matter of transport of minerals through village roads.

6. The approved route covers a distance of 5.48 km of road of which 4.5 km has been represented by the Company to the Ministry as a 'dedicated road'. However, several farmers had raised a grievance with the Director of Mines, the Director of Agriculture, the Collector and the Mamlatdar that the company misrepresented the ownership of this 2.8 km stretch as it passes through their cultivable fields. It is believed that the Government is examining the same. Pursuant to these representations, the company was compelled to halt transportation of mineral ore through the 4.5 km so-called dedicated road.

7. Without obtaining any fresh approved route from the Ministry of Environment in the nature of an amendment to the EC, the petitioner has begun transporting the ore through a route which is not approved in the EC. Applicant is unaware whether any permits have been issued by the State authorities for the same, which would be a violation of the EC.

8. In P.I.L. W.P No. 6/2024, this Hon'ble High Court in its judgement dt. 29.06.2024 permits any persons affected by the violations of the norms laid down to approach this Hon'ble High Court if and when required in matters concerning ore/mineral transportation. Hence the applicant is filing this MCA.

9. The Applicant wishes to file an affidavit to bring the facts and documents relevant to this issue on record. The Applicant pleads before this Hon'ble High Court not to pass any orders until it is heard in the matter, as the mineral transportation in question adversely affects a large number of people.

10. The Applicant also wishes to bring to the notice of the court that the entire activity of loading and unloading at Sarmanas jetty is itself without any authority of law and that there is a detailed report of the GCZMA that large scale irregularities and illegal constructions have been carried out by the Petitioner company at the said jetty.

11. The Applicant has filed appropriate complaints with various authorities opposing the use of the public road, drawing the attention of the DMG to the fact that the government is not empowered to issue a transit pass for use of a public road in violation of the Environment Clearance order.

12. In view of the above, this Court may allow this intervention application and permit the Applicant to file appropriate documents in this regard.

PRAYER:

13. The Applicant therefore most humbly prays that this Hon'ble Court may:

a) Allow this Application for the Applicant being made an Intervenor and/or Respondent in this W.P. No. 3140/2024 [F];

b) Permit the Applicant to file an affidavit to bring materially relevant documents on record for consideration of this Hon'ble Court.

c) For any other reliefs this Hon'ble Court may be pleased to pass.

For the above, the Applicant is very grateful.

PLACE – PORVORIM, GOA

DATE – 16.12.2024 Applicant

IN THE HON'BLE HIGH COURT OF JUDICATURE OF BOMBAY AT PORVORIM, GOA

Miscellaneous Civil Application No. /2024

in Writ Petition No. 3140/ 2024 [F]

Babaji Babal Gaonkar …Applicant/Intervenor

In

M/s. Vedanta Ltd. ….Petitioners

V/s

State of Goa & 5 Ors. …Respondents

AFFIDAVIT IN SUPPORT OF THE APPLICATION

I, Babaji Babal Gaonkaar, the Applicant above named, do solemnly state on oath as under:

1. I say that I have filed today the accompanying Miscellaneous Civil Application for the reliefs sought therein.

2. I say that this Miscellaneous Civil Application has been drafted on my instructions. I solemnly declare and say that what has been stated in paragraphs 1(p), 2, 3(p), 4(p), 5(p),

6(p), 7(p), 10(p), and 11(p) are true to the best of my knowledge and official documents/records, and what is stated in paragraphs 1(p), 3(p), 4(p), 5(p), 6(p), 7(p), and 8, 9, 10(p), 11(p), 12, and 13 are in the nature of legal submissions which I believe to be true and correct. No part of it is false and nothing material has been concealed there from, and the annexures enclosed are true and correct copies of their respective originals.

Solemnly affirmed at Porvorim, Goa,
this the 16th day of December 2024 Deponent

Andreza

IN THE HIGH COURT OF BOMBAY AT GOA

PUBLIC INTEREST LITIGATION WRIT PETITION NO. 6 OF 2024
WITH
MISC. CIVIL APPLICATION NO. 199 OF 2024
WITH
MISC. CIVIL APPLICATION NO. 215 OF 2024
IN
PUBLIC INTEREST LITIGATION WRIT PETITION NO. 6 OF 2024
WITH
MISC. CIVIL APPLICATION NO. 239 OF 2024
IN
PUBLIC INTEREST LITIGATION WRIT PETITION NO. 6 OF 2024
WITH
MISC. CIVIL APPLICATION NO. 1216 & 1217 OF 2024 (F)
IN
MISC. CIVIL APPLICATION NO. 239 OF 2024
AND
MISC. CIVIL APPLICATION NO. 1416 OF 2024 (F)
IN
PUBLIC INTEREST LITIGATION WRIT PETITION NO. 6 OF 2024

PUBLIC INTEREST LITIGATION WRIT PETITION NO. 6 OF 2024

1. The Mulakh Khajan Farmers Association, with office at Haldanwadi, Mayem, Bicholim, Goa – 403504, through its Secretary, Mr. Sakharam Anant Pednekar, age 58 years, H. No. 766, Gaonkarwada, Mayem, Bicholim, Goa – 403504, Approx. Annual Income – Rs. 1,20,000/-. Aadhar No. 439600055987, Mobile – 9767050503.

2. The Goa Foundation, through its Secretary Dr. Claude Alvares, age 75 years, having Regd. Office at Room No. 7, Above Mapusa Clinic, Mapusa, Goa – 403507, PAN No.AAAAG0249C, Income : Rs – 10 – 15,00,000/- p.a. (approx.) Registration No. - 23/Goa/86, Email id: goafoundation@gmail.com. ... Petitioners

WITH

MISC. CIVIL APPLICATION NO. 199 OF 2024
IN
PUBLIC INTEREST LITIGATION WP NO. 6 OF 2024

Surakshit Distributors Pvt. Ltd., a Company incorporated under the Companies Act, 1956, having its office at Unit No. 306, 3rd Floor, Gera Imperium Grand, EDC Complex, Patto Plaza, Panaji, Goa, and represented herein by its Authorised signatory, Mr. Sushil Khandelwal.

... Applicant

IN

1. The Mulakh Khajan Farmers Association, with office at Haldanwadi, Mayem, Bicholim, Goa – 403504, through its Secretary, Mr. Sakharam Anant Pednekar, age 58 years, H. No. 766, Gaonkarwada, Mayem, Bicholim, Goa – 403504, Approx. Annual Income – Rs. 1,20,000/-. Aadhar No. 439600055987, Mobile – 9767050503.

2. The Goa Foundation, through its Secretary Dr. Claude Alvares, age 75 years, having Regd. Office at Room No. 7, Above Mapusa Clinic, Mapusa, Goa – 403507, PAN No.AAAAG0249C, Income : Rs – 10 – 15,00,000/- p.a. (approx.) Registration No. - 23/Goa/86, Email id: goafoundation@gmail.com.

Versus

1. The Director of Mines and Geology, through its Director, Ground Floor of Institute Menezes Braganza, Panaji, Goa – 403 001.

2. The State of Goa, through its Chief Secretary, Secretariat, Porvorim, Goa, 403 521.

3. The Deputy Collector and SDO Bicholim, Bicholim, Goa – 403 504.

4. The Mamlatdar Bicholim, Office of the Mamlatdar, Bicholim, Goa – 403 504.

5. The Bicholim Police Station, through its Police Inspector, Bicholim, Goa – 403 504.

6. The Goa State Pollution Control Board, through its Member Secretary, near Pilerne Industrial Estate, Opposite Saligao Seminary, Saligao, Bardez, Goa, 403 511.

7. M/s. Blueglobe Exports Private Limited, B-3, F-1, Prudential Paradise, Peddem, Mapusa, Goa – 403 507. ... Respondents.

WITH

MISC. CIVIL APPLICATION NOS. 215 AND 239 OF 2024
IN
PUBLIC INTEREST LITIGATION WRIT PETITION NO. 6 OF 2024

Vedanta Limited, A public company duly incorporated under the provisions of the Indian Companies Act, 1956, having its registered office at 1st Floor, C wing, Unit 103, Corporate Avenue Atul Projects, Chakala, Andheri (East) NA Mumbai , Mumbai City MH 400093 IN. Having local office at Sesa Ghor, 20 EDC Complex, Patto, Panaji, Goa, 403 001, Represented in this petition through its authorised signatory, Mr. Benecio Menezes, 56 years of age, Indian National, Having residence at St. Roque Waddo, Colvale, Bardez, Goa.

... Applicant

IN

1. The Mulakh Khajan Farmers Association, through its Secretary Sakharam Anant Pednekar, H. No. 776, Gaonkarwada, Mayem, Bicholim, Goa – 403504.

2. The Goa Foundation, through its Secretary Dr. Claude Alvares, having Regd. Office at Room No. 7, Above Mapusa Clinic, Mapusa,

Goa – 403507.

Versus

1. The Director of Mines and Geology, through its Director, Ground Floor of Institute Menezes Braganza, Panaji, Goa – 403 001.

2. The State of Goa, through its Chief Secretary, having office at the Secretariat Complex, Porvorim, Bardez, Goa.

3. The Deputy Collector and SDO Bicholim, Office of the Deputy Collector and SDO, Bicholim, Bicholim, Goa.

4. The Mamlatdar, Office of the Mamlatdar, Bicholim, Goa.

5. The Bicholim Police Station, through its Police Inspector, Bicholim, Goa.

6. The Goa State Pollution Control Board, through its Member Secretary, near Pilerne Industrial Estate, Opposite Saligao Seminary, Saligao, Goa, 403 511.

7. Blueglobe Exports Private Limited, through its Director, B-3, F-1 Prudential Paradise, Peddem, Mapusa, North Goa, GA – 403 507 In.

8. The Union of India, through the Secretary, Ministry of Environment, Forests and Climate change, Government of India, Indira Paryavaran Bhavan, Jor Bagh Road, Aliganj, New Delhi, 110 003. ... Respondents.

WITH
MISC. CIVIL APPLICATION NO. 1216 OF 2024 (F)
IN

MISC. CIVIL APPLICATION NO. 239 OF 2024
IN
PUBLIC INTEREST LITIGATION WRIT PETITION NO. 6 OF 2024

Vedanta Limited, A public company duly incorporated under the provisions of the Indian Companies Act, 1956, having its registered office at 1st Floor, C wing, Unit 103, Corporate Avenue Atul Projects, Chakala, Andheri (East) NA Mumbai , Mumbai City MH 400093 IN. Having local office at Sesa Ghor, 20 EDC Complex, Patto, Panaji, Goa, 403 001, Represented in this petition through its authorised signatory, Mr. Benecio Menezes, 56 years of age, Indian National, Having residence at St. Roque Waddo, Colvale, Bardez, Goa.

IN

1. The Mulakh Khajan Farmers Association, through its Secretary Sakharam Anant Pednekar.

2. The Goa Foundation, through its Secretary Dr. Claude Alvares, having Regd. Office at Room No. 7, Above Mapusa Clinic, Mapusa, Goa – 403507.

... Applicant

Versus

1. The Director of Mines and Geology, through its Director, Ground Floor of Institute Menezes Braganza, Panaji, Goa – 403 001.

2. The State of Goa, through its Chief Secretary, having office at the Secretariat Complex, Porvorim, Bardez, Goa.

3. The Deputy Collector and SDO Bicholim, Office of the Deputy Collector and SDO, Bicholim, Bicholim, Goa.

4. The Mamlatdar, Office of the Mamlatdar, Bicholim, Goa.

5. The Bicholim Police Station, through its Police Inspector, Bicholim, Goa.

6. The Goa State Pollution Control Board, through its Member Secretary, near Pilerne Industrial Estate, Opposite Saligao Seminary, Saligao, Goa, 403 511.

7. Blueglobe Exports Private Limited, through its Director, B-3, F-1 Prudential Paradise, Peddem, Mapusa, North Goa, GA – 403 507 In.

8. The Union of India, through the Secretary, Ministry of Environment, Forests and Climate change, Government of India, Indira Paryavaran Bhavan, Jor Bagh Road, Aliganj, New Delhi, 110 003. ... Respondents.

AND

Shri Narendra Vinayak P. Gaoncar, aged about 50 years, Son of late Vinayak P. Gaoncar, R/o. Pilgao, Bicholim, Goa. ...Applicant/ Intervener

WITH
MISC. CIVIL APPLICATION NO. 1217 OF 2024 (F)
IN
MISC. CIVIL APPLICATION NO. 239 OF 2024
IN
PUBLIC INTEREST LITIGATION WRIT PETITION NO. 6 OF 2024

Vedanta Limited, A public company duly incorporated under the provisions of the Indian Companies Act, 1956, having its registered office at 1st Floor, C wing, Unit 103, Corporate Avenue Atul Projects, Chakala, Andheri (East) NA Mumbai , Mumbai City

MH 400093 IN. Having local office at Sesa Ghor, 20 EDC Complex, Patto, Panaji, Goa, 403 001, Represented in this petition through its authorised signatory, Mr. Benecio Menezes, 56 years of age, Indian National, Having residence at St. Roque Waddo, Colvale, Bardez, Goa.

IN

1. The Mulakh Khajan Farmers Association, through its Secretary Sakharam Anant Pednekar. ... Applicant

2. The Goa Foundation, through its Secretary Dr. Claude Alvares, having Regd. Office at Room No. 7, Above Mapusa Clinic, Mapusa, Goa – 403507.

Versus

1. The Director of Mines and Geology, through its Director, Ground Floor of Institute Menezes Braganza, Panaji, Goa – 403 001.

2. The State of Goa, through its Chief Secretary, having office at the Secretariat Complex, Porvorim, Bardez, Goa.

3. The Deputy Collector and SDO Bicholim, Office of the Deputy Collector and SDO, Bicholim, Bicholim, Goa.

4. The Mamlatdar, Office of the Mamlatdar, Bicholim, Goa.

5. The Bicholim Police Station, through its Police Inspector, Bicholim, Goa.

6. The Goa State Pollution Control Board, through its Member Secretary, near Pilerne Industrial Estate, Opposite Saligao Seminary, Saligao, Goa, 403 511.

7. Blueglobe Exports Private Limited, through its Director, B-3, F-1 Prudential Paradise, Peddem, Mapusa, North Goa, GA – 403 507 In.

8. The Union of India, through the Secretary, Ministry of Environment, Forests and Climate change, Government of India, Indira Paryavaran Bhavan, Jor Bagh Road, Aliganj, New Delhi, 110 003. ... Respondents.

AND

Shri Trivikram Govind Prabhu Gaunkar alias Prabhugaonkar, aged about 47 years, son of Govind Vasudev Prabhu Gaunkar, R/o. H. No. 76, Pilgao, Bicholim, Goa 403 504 ...Applicant/ Intervener

AND

MISC. CIVIL APPLICATION NO. 1416 OF 2024
IN
PUBLIC INTEREST LITIGATION WRIT PETITION NO. 6 OF 2024

Vedanta Limited, A public company duly incorporated under the provisions of the Indian Companies Act, 1956, having its registered office at 1st Floor, C wing, Unit 103, Corporate Avenue Atul Projects, Chakala, Andheri (East) NA Mumbai , Mumbai City MH 400093 IN. Having local office at Sesa Ghor, 20 EDC Complex, Patto, Panaji, Goa, 403 001, Represented in this petition through its authorised signatory, Mr. Benecio Menezes, 56 years of age, Indian National, Having residence at St. Roque Waddo, Colvale, Bardez, Goa.

IN

1. The Mulakh Khajan Farmers Association, through its Secretary Sakharam Anant ... Applicant

Pednekar.

2. The Goa Foundation, through its Secretary Dr. Claude Alvares, having Regd. Office at Room No. 7, Above Mapusa Clinic, Mapusa, Goa – 403507.

Versus

1. The Director of Mines and Geology, through its Director, Ground Floor of Institute Menezes Braganza, Panaji, Goa – 403 001.

2. The State of Goa, through its Chief Secretary, having office at the Secretariat Complex, Porvorim, Bardez, Goa.

3. The Deputy Collector and SDO Bicholim, Office of the Deputy Collector and SDO, Bicholim, Bicholim, Goa.

4. The Mamlatdar, Office of the Mamlatdar, Bicholim, Goa.

5. The Bicholim Police Station, through its Police Inspector, Bicholim, Goa.

6. The Goa State Pollution Control Board, through its Member Secretary, near Pilerne Industrial Estate, Opposite Saligao Seminary, Saligao, Goa, 403 511.

7. Blueglobe Exports Private Limited, through its Director, B-3, F-1 Prudential Paradise, Peddem, Mapusa, North Goa, GA – 403 507 In.

8. The Union of India, through the Secretary, Ministry of Environment, Forests and Climate change, Government of India, Indira Paryavaran Bhavan, Jor Bagh Road,

Aliganj, New Delhi, 110 003.

... Respondents.

AND

1. Shankar Chandrakant Jalmi, aged 25.

2. Savlo Raghu Kavlekar, aged 49, both major, residents of H. No. ...., Bagwada, Pilgao, Bicholim, Goa.

3. Sudhakar Vasudev Vaignkar, Age 43, major, resident of H. No. 65,Bagwadao, Bicholim, Goa.

4. Govind Shankar Kavlekar, age 62, major, resident of H. No. 23, Gaonkar Wada, Pilgao, Bicholim, Goa.

...Applicant/ Interveners

Ms. Norma Alvares, Advocate *with Mr. Om D'Costa, Advocate for the Petitioners.*

Mr Y. V. Nadkarni, Advocate *with Mr Nilay Naik and Ms. Simran S. Khadilkar, Advocate for the Applicant in MCA No. 199/2024.*

Mr. Deep Shirodkar, Additional Government Advocate *for Respondent nos. 1 to 5.*

Mr. Manish Salkar, Government Advocate *for Respondent no.6-GSPCB.*

Mr. Raviraj Chodankar, Central Government Standing Counsel *for the Union of India-Respondent No.8.*

Mr. A. D. Bhobe, Advocate *with Ms. A. Fernandes Advocate for Respondent No. 9.*

Mr. Janak Dwarkadas, Senior Advocate *(Through V.C.) with Mr. Shivan Desai, Mr. A. Gosavi, Advocate with Ms. Krupa Naik and Mr. Guruprasad Naik, Advocates for the Interveners-Applicants in MCA No. 215/2024 and MCA No. 239/2024.*

Mr. H. D. Naik, Advocate *for the Applicant in MCA No. 1216/2024(F) and MCA No. 1217/2024(F).*

Mr. Nigel Da Costa Frias, Advocate *with Ms. Sonadevi Nishad and Mr. Shane Coutinho, Advocates for the Applicants-Interveners in MCA No.1416/2024(F)*

CORAM: M. S. KARNIK &
VALMIKI MENEZES, JJ.

RESERVED ON : 26th JUNE 2024
PROUNOUNCED ON : 29th JUNE 2024

JUDGMENT (*Per M. S. Karnik, J.)*

1. We have taken up this petition for final disposal in view of the earlier order passed and with the consent of all parties.

2. It is the case of the petitioner that the otherwise tranquil situation in the village will be jeopardised as a result of the large scale transportation of mineral ore. The safety of the villagers, and that of the school going children will be endangered with the sudden increase in the traffic of trucks/tippers carrying the ore. The resultant noise pollution as well as the environmental pollution resulting from such unwarranted intrusion in the serene and peaceful environs of the village is in complete conflict with the cherished principles of

fundamental right enshrined by Article 21 of the Constitution of India. The submission is that this massive invasion will completely disturb the equilibrium of the village which serves only the business interests of the project proponent to the detriment of the villagers. The villagers say that they do not deserve such intrusion.

3. The concern expressed by the villagers is genuine. On one hand are the fundamental rights of villagers and on the other are the economic interests of the State as well as the rights of the project proponent. These are competing interests in conflict with each other.

4. It goes without saying that it is the foremost duty of the State to work towards achieving and maintaining a fine balance between competing interests taking into account various myriad considerations. Present is a case where there is an apparent conflict between the fundamental rights of the villagers and that of the State. The State finds mining and as a consequence transportation necessary to further its economic interest for the development of the State. A conflict in the present case has arisen between the right to life under Article 21 of the Constitution of India on one hand and Article 19(1)(g) of the Constitution of India on the other. The villagers claim a right to a dignified existence in a safe pollution free environment. The State asserts its economic right necessitating such transportation which villagers submit amounts to bulldozing the otherwise peaceful life

> construction activity is to be carried out. It is not a perpetual or continuous activity like a running industry. It is absolutely incomprehensible to accept that a project of this nature would be unsustainable with the needs and aspirations of future generations. Furthermore, the increase in footprint is not shown to be substantial and the inclusion of new Members of Parliament after the delimitation exercise is anyway going to lead to an inevitable increase in footprint (floating though) that cannot be countenanced as a concern here."

23. We have therefore to look for a careful balance when two equally relevant interests compete with each other. At this juncture itself, we may refer to the MCA No. 239 of 2024 filed by Vedanta Limited. Shri Janak Dwarkadas submitted that Vedanta Limited has been granted Environmental Clearance (EC) to the project for Block – I, Bicholim Mineral Block and Block VII-Cudnem Mineral Block. It is submitted that the EC is granted after following a detailed procedure laid down under the EP Act and the Rules framed thereunder. Our attention is invited to the Notification dated 14.09.2012 published by the Ministry of Environment, Forest and Climate Change, which provides for requirements of prior environmental clearances for matters falling under category 'A' of the Schedule. Shri Dwarkadas submitted that the Expert Appraisal Committee comprises of domain experts. It is submitted that rigorous conditions are imposed in the EC. It is further submitted that transportation is a mechanism

provided under the Expert Appraisal Committee (EAC) regime. It is submitted that the EAC comprises of persons who are outstanding environmental policy experts with wide expertise in the relevant development sector. It consists of only professionals and experts fulfilling the qualifying criteria provided by the notification. It is submitted that a detailed procedure is prescribed for appraisal. A procedure is conducted for public hearing. It is thus submitted that before granting EC, it has to pass the muster of the stringent provisions of the EP Act and the Rules framed therein.

24. It is already indicated by us that we are not examining the challenge to the EC hence we refrain from expressing any opinion to the legality or otherwise of the EC. In appropriate proceedings, such challenge can be gone into. We also make it clear that what is being recorded by us are the assurances accepted by Vedanta in the matter of transportation. We may not be understood to mean that we have examined the legality and propriety of the conditions for transport in the EC and the Consent to Operate ('CTO' for short). The challenge to these conditions in the EC and the CTO regarding the transport and the measures incorporated is kept open for consideration in appropriate proceedings before the appropriate forum as and when a proper challenge to the EC as well as the CTO is made.

25. Shri Dwarkadas was at pains to point out that Vedanta's consent to operate incorporates all the safeguards necessary to ensure that the competing rights of the villagers regarding their safety and environmental concern are properly balanced with that of the right of the project proponent to carry mining operations pursuant to the valid EC. Shri Dwarkadas submitted that Vedanta's affidavit dated 17.06.2024 provides for measures of safeguards to prevent pollution under CTO. On instructions, Shri Dwarkadas submits that Vedanta shall be strictly complying with all conditions of transportation mentioned at serial nos. 13 to 24 of the CTO.

26. The CTO has been granted by the GSPCB under Section 25/26 of the Water (Prevention & Control of Pollution) Act, 1974 and under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981 and Authorization under Rule 6(i) of the Hazardous and Other Wastes (Management and Transboundry Movement) Rules 2016, as amended thereafter. In the EC granted to Vedanta Limited, we find that during the site inspection, certain observations were made by the sub-committee. The observations at item 4 and the reply of the project proponent thereon are relevant, reading thus :

> "4. The Project Proponent needs to bypass the public road and also to explore the possibility of increasing the capacity of the truck so as to reduce the no. of trips. The EAC opined that the Project

Proponent needs to revisit the traffic load by considering the cycle time and waiting time. The Project Proponent needs to submit the action plan for strengthening the road and for converting the unpaved road into concrete road.

The Project Proponent submitted the map showing the transportation route comprising of dedicated road corridor and public road. The total travel distance upto Jetty is 5.48 kms (4.54 km dedicated road and 0.94 km MDR-20 Public Road). Traffic load and effective distance between two trucks are as follows :-

S.No.	Transportation working days	Quantity (In TPA)	Tonnes/Day	Trips per day	Mode of trnas port
1	237	30,00,000	12658	1205	Road
	Total trips per day			1205	

The road witdth details for various segments are as follows :

Dedicated Road corridor	
3.31 km	1.23 km
12-15 mts wide Road	7 mts wide Road

Further, the Project Proponent submitted the following details :

i. Capacity of truck is 10.5 tons as per directives of Dept. Of Mines & Geology, Goa.

ii. Total Handling per day is 12658 tons/day

iii. Transportation timings are 6.00 a.m. to 7.00 am, 8.00 a.m. to 12.45 pm and 2.00 p,m to 5.45 pm. Therefore, the effective transportation time is 9.30 hrs.

iv. Per Hour Handling is : 1332 tons/hour

v. No. of vehicles per Hour (One Way): 127 vehicles

vi. No. of Vehicles per Hour (to and fro) : 254 vehicles

vii. The Speed of vehicle is 25 KMPH and the lead distance is 5.48 kms.

viii. The time taken for 5.48 km is 13.15 mins for each truck and loading time is 1 min, weighment time at both source location is 2 min, Tarpaulin typing and untying time is 2 min, unloading time 1 min and waiting time 10 min.

ix. Each truck length is 15'.5" (4.58 m)

x. Distance from truck to truck is 5 m both side – 10 m

xi. Each vehicle occupies a min. distance of 14.58 m =~ 15 m

xii. The length of road is 5.48 Km = 5480

xiii. No. of vehicle which can travel on this road for one side =5480/15=365, However we would be plying only 127 trucks hence effective distance between two vehicles is 43 m.

The Project Proponent submitted the following mitigation measures for transportation :

i. Public road is hot mixed and same will be maintained.

ii. Dedicated road is proposed to be hot mixed in phased manner.

iii. Entire Dedicated transportation route is surrounded by thick Green Belt

iv. Transportation vehicles shall be properly maintained to minimize the exhaust emission.

v. Regular tests shall be carried out to check exhaust emission and PUC certification of transportation vehicles at prescribed interval.

vi. Transportation trucks will be loaded with prescribed capacity and covered with tarpaulin before leaving mines premises.

vii. Overloading of the material will be avoided.

viii. Regular monitoring of the emission levels.

ix. Over speeding of Vehicle will not be allowed.

x. Traffic Marshalls shall be provided for regulating movement of vehicles as well as for safety of persons.

xi. Training will be given to all drivers about safe driving.

xii. Regular water sprinkling by means five hired water tanker of 10kL capacity on haul road and loading points will be carried out.

xiii. Used of fixed dust suppression system on haul roads

xiv. Installation of two wheel washed system (one each at the exit of the dedicated road and jetty exit respectively.

xv. Manual and mechanised machines for road sweeping.

xvi. Washing of mine exit points/Junctions (Mayem, Pilgao and Jetty exit area) after transportation hours/at night with water tanker having pipe arrangements

xvii. Underpass proposed at Mayem junction to prevent interface with public."

27. By way of a note submitted at the time of hearing, a summary of major compliances ensured by Vedanta are as under:

CTO CONDITION	COMPLIANCE	STATUS
13	The mining unit shall install online noise monitoring station approved by USEPA, TUV or CPCB, CSR or MCERTs at the transportation route near sarmanas in consultation with the Board and connect the same to thye Board server within one month of receipt of this Consent and submit compliance report to the Board.	24 x 7 real time online monitoring station connected with GSPCB has been set-up
14	The mining unit shall install CCTV Camera at exit gate from mine towards the jetty to monitor if the trucks are properly covered with tarpaulin before exit and should	Installed Camera shall give the status of compliance by Trucks to GSPCB

	be connected online to GSPCB, within one month of receipt of this Consent to Operate	
16	The trucks/tippers engaged in transportation of ore shall have with atleast six inches free board after filling the cargo box to avoid spillage	This shall be complied with
17	All trucks/tippers engaged in the transportation of ore shall be covered with tarpaulin and the tarpaulin shall be properly fastened to the cargo box ensure the ore does not get air borne or spill on the road.	
20	The mining unit shall provide wheel washing facility for the ore transport vehicles shall be provided at the	Wheel Washing System already set-up

	exit point of the mine	
23	The mining company should submit details regarding transportation of ore mentioning Source, Destination, Qty., No. Of trips (tipper trucks), Route (names of villages through which transportation takes place), Remarks	This shall be complied with

28. Shri Dwarkadas submitted, on instructions, that Vedanta is bound by the aforesaid conditions and the mitigating measures provided for transportation. Furthermore, even the CTO has provided for conditions for transportation mentioned at serial nos. 13 to 24. In the affidavit dated 17.06.2024 filed by Vedanta, it is assured that all the conditions pertaining therein will be strictly adhered to. Statements in the affidavit and the assurances aforementioned are accepted as an undertaking to this Court.

29. This Court by an Order dated 22.04.2024, directed the GSPCB to file an affidavit pursuant to the inspection carried out and place a status report on record. So far as Vedanta is concerned, the route applied for permission was NSP-1, Top-NBP Junction-NBP-Matwada Junction-Sarmanas jetty. As directed by DMG, the Board officials inspected the site along with unit representative on 03.05.2024. Following were the recommendations for pollution control safeguard:

> "**Recommendations for pollution control safeguard**
>
> • The truck/tippers engaged in transportation of ore shall have sufficient free board after filling the cargo box to avoid spillage.
>
> • All trucks/tippers engaged in the transportation of ore shall be covered with tarpaulin and the tarpaulin shall be properly fastened to the cargo box to ensure the ore does not get air borne or spill on the road.
>
> • In case of break down of loaded trucks/tippers unloading of ore at the road side shall be strictly avoided.
>
> • The roads within mining lease areas shall be sprinkled with water to suppress dust pollution.
>
> • Spillage of ore on the public roads shall be removed immediately on occurrence.
>
> • The mining company should make suitable arrangement for sweeping of roads affected due to transportation of iron ore.
>
> • The mining firm should manage the daily trips in staggered manner in consultation with DMG, so that traffic congestion is avoided at major junctions.
>
> • The Board shall carry out monitoring along the route through the Ministry of Environment, Forests and Climate

Change approved lab and monitoring charges shall be recovered from the transporters/mining firms as per actual. The Transportation/mining firms shall pay an advances of Rupees Three lakhs towards the monitoring charges.

- The Department of Mines to provide the transportation route for enabling the Board to identify suitable monitoring locations. The Department may also ensure power supply for the monitoring stations.
- Speed of ore carrying trucks should be controlled by online GPS monitoring done by DMG through its authorized agency.
- Road sweeping machines may be jointly/severally developed in hotspot areas/ stretches.
- The shoulders of the mining transport roads may be tarred whenever needed.
- DMG may ensure maintenance of public road in the mining area with respect to repair of potholes/widening of roads whenever necessary.
- The Operator is required to carry out manual wheel washing in order to clean the wheels of the trucks and subdue dust arising out of it whenever wheel washing stations are not installed.
- In case the air quality standards are breached the transport frequency should be reduced and the transporters to be levied polluter pays penalty.

Permission can be granted to above mentioned route."

30. Shri Dwarkadas submitted that the Project Proponent-Vedanta is accepting all these safeguards and assures this Court on instructions that the conditions will be strictly followed and implemented. The learned Advocate General as well as learned Counsel for the implementing agencies assures that the monitoring will be strict and

effective and not an eye wash. We accept these assurances as undertaking to this Court.

31. It is submitted by Shri Dwarkadas that in any case the transportation of Vedanta is through a dedicated corridor and not through village roads. The stretch of 0.9 kms though not a part of dedicated corridor is not a village road. Learned Senior Advocate submitted that they are even willing to provide for additional safeguards for this non-village/Major District Road of 0.9 kms by deployment of traffic marshals to avoid congestion and inconvenience to the public at large on arrival of the ferry. Whether to accept these additional safeguards is something which the DMG and transport authorities shall look into and take an informed decision depending on the ground conditions.

32. MCA No.1416/2024, is an intervention filed by Shri Shankar Chandrakant Jalmi and others in Vedanta's application. Upon hearing Mr. Frias, learned Counsel for the interveners, we are satisfied that the grievance about the road being illegally constructed through the lands of the interveners cannot be made a subject matter of this PIL Petition as and by way of an intervention application. It is for the Applicant-intervener to resort to appropriate remedies available in law. If any authority is required in support of this view, we may refer to the decision of the Supreme Court in **Saraswati Industrial Syndicate**

46. We find it necessary to direct that a proper study be carried out by preparing a report specific to each route permitted by DMG and GSPCB for transportation of ore through the villages on the basis of carrying capacity of each road. The DMG and GSPCB undoubtedly will have to consider the length of the route, number of houses/hamlets, situated on the route with the study of the population enroute, the details of schools or other such activities that may exist along the route apart from other factors while taking a decision on granting transport permission based on the carrying capacity set down for each route. This will accord with the spirit of the OM issued by the Ministry of Environment. The DMG and GSPCB shall, as far as possible, monitor the trucks on each route on Real Time basis, install CCTV cameras connected to DVR devices at Panchayat Ghars and/or public schools and/or the office of the GSPCB and DMG to enable the DMG/GSPCB and/or Panchayat officials or other designated officials to monitor and observe the movement of trucks carrying such ore along the route.

47. The DMG and GSPCB shall as far as possible install pollution monitoring devices of the nature that may upload information/data to the server of the DMG and GSPCB in Real Time to enable the Departments to monitor the air quality along the designated routes in Real Time and to arrest the movement of trucks, if required to bring air pollution to within permissible norms.

48. We reserve the liberty of the petitioners/any of the affected person or in public interest to approach this Court in case of difficulty in the implementation of the aforesaid measures, breach of any conditions or for any other genuine cause concerning the transport activity at any stage when necessary.

49. The PIL Writ Petition is disposed of in the above terms. No order as to costs.

VALMIKI MENEZES, J. **M. S. KARNIK, J.**